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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,421	06/20/2001	Un-jin Choi	1293.1218	9921

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EXAMINER

CASTRO, ANGEL A

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 11/24/2004

44

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/884,421

Applicant(s)

CHOI ET AL.

Examiner

Angel A Castro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-45 is/are pending in the application.
- 4a) Of the above claim(s) 6-33,35-38,42 and 45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,34,41,43 and 44 is/are rejected.
- 7) ☒ Claim(s) 39 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to Amendment filed 4/23/04.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizuta (U.S. Pat. 5,687,048).

Regarding claim 1, Mizuta discloses a disk cartridge or housing (figures 1-2) comprising:

a case 2 housing an information recording and/or reproduction disk and a shutter which is installed on the case and selectively opened and closed to accomplish an access to the disk by a recording and/or reproduction apparatus, and

a protrusion group 10-25 having a plurality of protrusions each protruding toward the disk, and being formed on an inner wall of at least one of the case and the shutter, and extending linearly radially in parallel from a rotational axis of the disk.

Regarding claim 2, Mizuta discloses that the protrusion group comprises a plurality of protrusions repeating at a predetermined interval in a predetermined pattern (see figure 1).

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Regarding claim 4, Mizuta further discloses that the protrusion group includes at least two protrusion groups each disposed at an equiangular interval in a direction of rotation of the disk (see figure 1).

3. Claims 5, 34, 41 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwaki (U.S. Pat. 5,969,917).

Regarding claims 5 and 41, Iwaki discloses a disk cartridge or housing (figures 4 and 10-11) comprising:

a case housing an information recording and/or reproduction disk 2 and a shutter 24 which is installed on the case and selectively opened and closed to accomplish an access to the disk by a recording and/or reproduction apparatus; and

a protrusion group 22, 23, having a plurality of protrusions each protruding toward the disk and formed on an inner wall of at least one of the case and the shutter,

wherein the protrusion group includes protrusion groups arranged in a stepped manner in a radial direction of the disk (see figure 10).

Regarding claims 34 and 44, Iwaki shows that at least one protrusion group having a plurality of protrusions each protruding toward the disk, formed within the case, and being positioned in parallel linearly in the radial direction of the disk (see figure 5, where protrusions 33a and 33b or 34 are in parallel linearly in the radial direction of the disk).

4. Claims 34 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonard et al (U.S. Pat. 4,885,652).

Regarding claim 34, Leonard et al discloses a disk cartridge (figure 1) having an information recording and/or reproducing disk 4 comprising:

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A case enclosing the disk; and
at least one protrusion group 12 having a plurality of protrusions each protruding toward the disk, formed within the case, and being positioned in parallel linearly in the radial direction of the disk (see figure 1).

Regarding claim 43, Leonard et al shows a foreign material filters 10 positioned within the case.

Allowable Subject Matter

5. Claims 39-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-2, 4-5, 34, 41 and 44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mizuta (U.S. Pat. 5,850,327) discloses a magnetic disc cartridge; Magneto-optical et al (U.S. Pat. 5,537,281) discloses a flexible disk cartridge; Brock et al (U.S. Pat. 4,626,949) discloses a magnetic record disk.

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A Castro whose telephone number is 703-308-8435. The examiner can normally be reached on Monday through Thursday, 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R Korzuch can be reached on 703-305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Angel Castro C".

Angel Castro, Ph.D.